GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Khader Weaving Factory, Falnir, Mangalore.

Award of the Labour Court, Mangalore—Published.

Read the following papers:—

(1) Letter No. ID/29/70/70-71, dated 15th April 1971 from Sri Mohd. Hameeduddin Khan, Presiding Officer, Labour Court Mangalore.

BEFORE THE LABOUR COURT AT MANGALORE.

15th April 1971.

Reference (ID) (LCM) No. 29 of 1970.

Present:

Mohd. Hameeduddin Khan, B.Sc., LL.B.,

Presiding Officer.

Between.—

Smt. Eliga Weigas, C/o. The Secretary, S. K. Weavers Union, Mahanavamikatte, Jeppu, Mangalore.

... *I Party.*

and

The Management of Khader Weaving Factory, Falnir, Mangalore.

... *II Party.*

The Government of Mysore being of opinion that an industrial dispute exists between the workmen and the management of Khader Weaving Factory, Falnir, Mangalore, referred it under Section 10 (1)(c) of the Industrial Dispute Act, 1947 *vide* Order No. FCL 280 LLD 70, dated 11th August 1970 to this Labour Court at Mangalore for adjudication on the following points of dispute:

I. Are the management of Khader Weaving Factory, Falnir, Mangalore, justified in refusing employment to Smt. Eliza Veigus with effect from 8th December 1969?

II. If not, to what relief is the said worker entitled?"

2. On receipt of the reference it was registered as Reference (ID) (LCM) No. 29 of 1970 on the file of this Court, and notices were issued to both the parties to file their claim and counter

statements. The first party is represented by Sri K. Musabba, and the Second party is represented by Sri K. Shashidhar Rao. The claim statement of the first party was filed on 17th October 1970, and the counter statement of the second party was filed on 2nd December 1970. The following additional issues were framed on 2nd December 1970 in view of the pleadings apart from the points of dispute :—

1. Whether the present dispute is an industrial dispute and this Court has jurisdiction to adjudicate upon this dispute ?
2. Whether the wages of the first party worker was 1-50 per day ?
3. Whether the first party worker was on maternity leave from 7th October 1969 till 7th December 1969 ?
4. Whether the first party worker after the expiry of maternity leave on 24th November 1969 did not join duty but applied for leave from 24th November 1969 to 6th December 1969 and thereafter she remained absent ? If so, whether this will lead to her abandonment of service under the second party ?
5. Whether the first party worker presented herself to duty on 6th January 1970 and the second party management refused to accept the medical certificate and also refused employment ?
6. Whether the second party management has refused employment to the first party worker Smt. Elize Veigas at any time ?
7. Whether the first party worker did not report for duty even after five months after the expiry of the leave on 6th December 1969 and as such it should be deemed that she left the service of the second party of her own accord ? If so, what will be its effect on this reference ?
8. Whether the first party worker is entitled to the relief of reinstatement with back wages from 8th December 1969 with continuity of service ?
9. What award ?

Thereafter taking some adjournments, on 3rd April 1971 the first party examined one witness as W. W. 1 and got marked two documents as Exhibits W. 1 and W. 2. and the second party got marked one document as Exhibit M. 1. The evidence of the

first party was closed that day, and the case was posted to 13th April 1971 for the evidence of the second party and arguments. But on 13th April 1971 Sri K. Shashidhar Rao for the second party took time stating that there is likelihood of this matter being amicably settled. So the case was posted to 15th April 1971. Today the 15th April 1971 a joint Memo of Settlement was filed under the signatures of Sri K. Musabba and Sri K. Shashidhar Rao, The Joint Memo of Settlement was recorded. Now in view of the Joint memo filed, the facts of the claim and counter statements filed by the parties are not narrated here. In my view, the terms of the settlement are just, fair and reasonable. Hence accepting the terms of the Joint memo of settlement. I make the following award :—

AWARD

An award is passed in the terms of the Joint memo of settlement, copy of which shall form part of this award.

Mangalore,
15th April 1971.

Md. HAMEEDUDDIN KHAN.
Presiding Officer,
Labour Court, Mangalore.

Before the Labour Court at Mangalore.
(ID) (LCM) No. 29/1970.

Between :—
Smt. Eliza Veigas ... ... *I Party*
and
The management, Khader Weaving Factory, Falnir, Mangalore. ... ... *II Party*

MEMO OF SETTLEMENT

Both the parties to the dispute submit as follows :—

1. That the dispute between the parties was taken up by the Court for evidence during the last adjournment.

2. That the parties felt that dispute could be amicably settled between themself. the terms of which are as follows: —

(i) That Smt. Eliza accepts Rs. 100 (One hundred) only in consideration of which she has given up her demand of reinstatement with back wages and any other relief.

(ii) The management has this day paid Rs. 100 (One hundred) only to I party Smt Eliza Veigas as stated above.

Therefore it is prayed that award be passed in terms of the above settlement which is fair and reasonable.

Pray accordingly that this Court be pleased to pass an award on the above terms without costs.

Mangalore
15-4-1971

Sd. K. MUSABBA
First Party

Sd. K. SHASHIDHAR RAO
Second party.

Recorded. File.

(Sd.) MOHD HAMEEDUDDIN KHAN,
Presiding Officer.
Labour Court, Mangalore.
15-4-1971.

"COPY"

Sd. (MOHD. HAMEEDUDDIN KHAN)
Presiding Officer,
Labour Court, Mangalore.

ORDER.

Bangalore dated the 23rd April 1971.

S. O. 788.—WHEREAS by State Government Order No. FCL 220 LLA 70, dated 11th August 1970 the Industrial Dispute between the Workmen and the Management of Khadar Weaving Factory, Falnir, Mangalore was referred to the Labour Court, Mangalore for adjudication;

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947, (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. FCL 47 LLA 71.]

By Order and in the name of the President of India,

ANIRUDHA DESAI,
Under Secretary to Government,
Food, Civil Supplies and Labour Department.